

# **Exhibit D**

**Records Responsive to Plaintiffs' Requests and Known to Exist But Undisclosed and Likely in Possession of Department of Justice ("DOJ")<sup>1</sup>**

Record Reference Number	Approximate Date of Record	Description of Record	Source of Description
1.	September 2001	DOJ review and/or approval of President George W. Bush's Presidential Directive signed September 17, 2001, allegedly granting the CIA authority to set up detention facilities outside of the United States.	Letter from Office of General Counsel, CIA to Melanca D. Clark, Gibbins [sic], Del Deo, Dolan, Griffinger & Vecchione, P.C., Nov. 10, 2006 (letter sent in connection with <i>ACLU et. al. v. DOD et. al.</i> , 04-Civ.-4151 (S.D.N.Y.), remanded 06-0205-cv (2nd Cir.).  Dana Priest, <i>CIA Holds Terror Suspects in Secret Prisons</i> , Wash. Post, Nov. 2, 2005, available at <a href="http://www.washingtonpost.com/wp-dyn/content/article/2005/11/01/AR2005110101644_pf.html">http://www.washingtonpost.com/wp-dyn/content/article/2005/11/01/AR2005110101644_pf.html</a>  Douglas Jehl & David Johnston, <i>Rule Change Lets C.I.A. Freely Send Suspects Abroad to Jails</i> , N.Y. Times, Mar. 6, 2005, available at <a href="http://www.nytimes.com/2005/03/06/politics/06intel.html?_r=1&amp;oref=slogin">http://www.nytimes.com/2005/03/06/politics/06intel.html?_r=1&amp;oref=slogin</a>
2.	Late 2001/early 2002	Authorization for the FBI interrogation of secret detainee Ibn al-Shaykh al-Libi and response to CIA's rendition of al-Libi to	Jane Mayer, <i>The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals</i> 106-7 (2008)

<sup>1</sup> This list does not assess the extent to which records may also be responsive to the FOIA requests at issue in *ACLU et. al. v. DOD et. al.*, 04-Civ.-4151 (S.D.N.Y.), remanded 06-0205-cv (2nd Cir.).

		Egypt during the period when the FBI was interrogating him.	Jane Mayer, <i>Outsourcing Torture</i> , New Yorker, Feb. 14, 2005, at 106, available at <a href="http://www.newyorker.com/archive/2005/02/14/050214fa_fa_ct6">http://www.newyorker.com/archive/2005/02/14/050214fa_fa_ct6</a> .  Michael Hirsh, John Barry & Daniel Klaidman, <i>A Tortured Debate</i> , Newsweek, June 21, 2004, available at <a href="http://www.newsweek.com/id/54093?tid=relatedcl">http://www.newsweek.com/id/54093?tid=relatedcl</a>
3.	March 10, 2002	Notes and memoranda concerning FBI Director Robert S. Mueller's participation in a meeting of intelligence officials on March 10, 2002, in Queenstown, New Zealand at which CIA's then-head of covert operations, James Pavitt stated "We're going to be working with intelligence agencies that are utterly unhesitant in what they will do to get people to talk."	Jane Mayer, <i>The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals</i> 136 (2008)
4.	Late March/April 2002	Notes and memoranda concerning review of CIA list of proposed "stress techniques" discussed at a White House meeting in late March or early April 2002 attended by John Yoo (DOJ Office of Legal Counsel (OLC)) and Alberto Gonzales, Timothy Flanigan, David Addington and William Haynes.	Jane Mayer, <i>The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals</i> 150 (2008)
5.	2002	DOJ's review of and authorization for an "alternative set of procedures" to interrogate Abu Zubaydah, a detainee in secret CIA	<i>Senate Select Committee on Intelligence Holds a Hearing on the Annual Threat Assessment: Hearing Before the S. Select Comm. on Intelligence</i> , 110th Cong. 23-26 (2008)

		detention against whom CIA Director General Michael Hayden has acknowledged the use of "waterboarding."	<p><i>Statement to Employees by Director of the Central Intelligence Agency, General Mike Hayden on the Taping of Early Detainee Interrogations</i>, Dec. 6, 2007, available at <a href="https://www.cia.gov/news-information/press-releases-statements/press-release-archive-2007/taping-of-early-detainee-interrogations.html">https://www.cia.gov/news-information/press-releases-statements/press-release-archive-2007/taping-of-early-detainee-interrogations.html</a></p> <p><i>News Release: President Discusses Creation of Military Commissions to Try Suspected Terrorists</i>, Sept. 6, 2006, available at <a href="http://www.whitehouse.gov/news/releases/2006/09/20060906-3.html">http://www.whitehouse.gov/news/releases/2006/09/20060906-3.html</a></p>
6.	Various	DOJ review and approval of coercive interrogation techniques proposed by the CIA for use in the CIA's program of secret detention and interrogation.	<p><i>Remarks Prepared for Delivery by Attorney General Michael B. Mukasey at the Justice Department Oversight Hearing of the Senate Judiciary Committee</i> Washington, D.C., Jan. 30, 2008, available at <a href="http://justice.gov/ag/testimony/2008/ag-testimony-080130.html">http://justice.gov/ag/testimony/2008/ag-testimony-080130.html</a></p> <p><i>Statement to Employees by Director of the Central Intelligence Agency, General Mike Hayden on the Taping of Early Detainee Interrogations</i>, Dec. 6, 2007, available at <a href="https://www.cia.gov/news-information/press-releases-statements/press-release-archive-2007/taping-of-early-detainee-interrogations.html">https://www.cia.gov/news-information/press-releases-statements/press-release-archive-2007/taping-of-early-detainee-interrogations.html</a></p> <p>Office of the Director of National Intelligence, <i>Summary of the High Value Terrorist Detainee Program</i>, undated available at</p>

			<p><a href="http://www.fas.org/irp/news/2006/09/hivaluedetainees.pdf">http://www.fas.org/irp/news/2006/09/hivaluedetainees.pdf</a></p> <p>October 24, 2002 email between DoD CTF Personnel, Subject: FW: Counter Resistance Strategy Meeting Minutes [Minutes of an October 2, 2002 meeting at Guantanamo Bay, Cuba] <i>available at</i> <a href="http://levin.senate.gov/newsroom/supporting/2008/Documents.SASC.061708.pdf">http://levin.senate.gov/newsroom/supporting/2008/Documents.SASC.061708.pdf</a></p> <p>Jane Mayer, <i>A Deadly Interrogation: Can the CIA legally kill a prisoner?</i>, New Yorker, Nov. 14, 2005, available at <a href="http://www.newyorker.com/archive/2005/11/14/051114fa_fa">http://www.newyorker.com/archive/2005/11/14/051114fa_fa</a> ct</p> <p>Douglas Jehl, <i>Report Warned C.I.A. on Tactics In Interrogation</i>, N.Y. Times, Nov. 9, 2005, available at <a href="http://www.nytimes.com/2005/11/09/politics/09detain.html">http://www.nytimes.com/2005/11/09/politics/09detain.html</a></p>
7.	Late March/April 2002	<p>Authorization for FBI and CIA "joint effort to obtain intelligence" from Abu Zubaydah, a detainee in secret CIA detention against whom CIA Director General Michael Hayden has acknowledged the use of "waterboarding."</p>	<p>U.S. Dep't of Justice, Office of the Inspector General, <i>A Review of the FBI's Involvement in and Observations of Detainee Interrogations in Guantanamo Bay, Afghanistan, and Iraq</i> 67(2008)</p> <p><i>Senate Select Committee on Intelligence Holds a Hearing on the Annual Threat Assessment: Hearing Before the S. Select Comm. on Intelligence</i>, 110th Cong. 23-26 (2008)</p> <p>Jane Mayer, <i>The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals</i> 156 (2008)</p>

8.	Late March/April 2002	Communication from an FBI agent to FBI Counterterrorism Assistant Director Pasquale D'Amuro expressing concerns about the CIA's aggressive interrogation techniques against Abu Zubaydah and instruction from D'Amuro that FBI agents should not participate in the interrogation.	U.S. Dep't of Justice, Office of the Inspector General, <i>A Review of the FBI's Involvement in and Observations of Detainee Interrogations in Guantanamo Bay, Afghanistan, and Iraq</i> 69 (2008)
9.	Mid-2002 onward	Communication of complaints from FBI officials to FBI Director Robert S. Mueller that the CIA interrogation program constituted torture and would create problems, particularly with respect to prosecution.	Josh Meyer, <i>FBI works to bolster cases on Al Qaeda</i> , L.A. Times, Oct. 21, 2007, available at <a href="http://articles.latimes.com/2007/oct/21/nation/na-terror21">http://articles.latimes.com/2007/oct/21/nation/na-terror21</a>
10.	Late July or August 2002	Notes and memoranda concerning a meeting between FBI Assistant Director D'Amuro and DOJ officials regarding the Abu Zubaydah interrogation held in late July or August 2002.	U.S. Dep't of Justice, Office of the Inspector General, <i>A Review of the FBI's Involvement in and Observations of Detainee Interrogations in Guantanamo Bay, Afghanistan, and Iraq</i> 69-71 (2008)
11.	August 2002	Notes and memoranda concerning a meeting between FBI Assistant Director D'Amuro and FBI Director Robert S. Mueller in August 2002 at which it was determined that the FBI will not participate in interviews where aggressive interrogation techniques are used.	U.S. Dep't of Justice, Office of the Inspector General, <i>A Review of the FBI's Involvement in and Observations of Detainee Interrogations in Guantanamo Bay, Afghanistan, and Iraq</i> 71-74 (2008)
12.	Unknown	Notes and memoranda concerning a meeting between FBI Assistant Director D'Amuro, FBI Director Robert S. Mueller, a CIA agent and then-Director of the CIA George Tenet about FBI interviews of detainees in CIA	U.S. Dep't of Justice, Office of the Inspector General, <i>A Review of the FBI's Involvement in and Observations of Detainee Interrogations in Guantanamo Bay, Afghanistan, and Iraq</i> 73-74 (2008)



13.	Late 2002/early 2003	custody.	Authorization for the Assistant Chief for the FBI's Counterterrorism Operational Response Section (CTORS) and several FBI agents to conduct a joint FBI-CIA interrogation of Ramzi Binalshibh at a CIA-controlled facility; and notes of FBI General Counsel Valerie Caproni reflecting that "Deputy Assistant Director T.J. Harrington told her that the FBI agents who went to the CIA site saw Binalshibh."	U.S. Dep't of Justice, Office of the Inspector General, <i>A Review of the FBI's Involvement in and Observations of Detainee Interrogations in Guantanamo Bay, Afghanistan, and Iraq</i> 74 (2008)
14.	August 1, 2002		Eighteen-page opinion "[w]ritten by Bybee and Yoo at the request of John Rizzo, and sometimes referred to as Bybee II" that "advise[d] the CIA on specific interrogation methods it could use against al-Qaeda members."	Philippe Sands, <i>Torture Team: Rumsfeld's Memo and the Betrayal of American Values</i> 76 (2008)
15.	August 1, 2002		List "specifying permitted CIA interrogation techniques, including waterboarding" attached to Jay Bybee, Memorandum for Alberto R. Gonzales Counsel to the President Re: Standards of Conduct for Interrogation under 18 U.S.C. §§ 2340-2340A, Aug. 1, 2002.	Jane Mayer, <i>The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals</i> 151-152 (2008)
16.	Various		DOJ's "multiple legal reviews" of the CIA's secret detention and interrogation program.	<i>News Release: President Discusses Creation of Military Commissions to Try Suspected Terrorists</i> , Sept. 6, 2006, available at <a href="http://www.whitehouse.gov/news/releases/2006/09/20060909">http://www.whitehouse.gov/news/releases/2006/09/20060909</a>

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17.	Various	Opinions from the DOJ to the CIA "that anticipate new legislation or fresh interpretations of existing laws and treaties" concerning the CIA's detention and interrogation program.	Statement to Employees by Director of the Central Intelligence Agency, General Michael V. Hayden on the CIA's Terrorist Interrogation Program, Oct. 5, 2007, available at <a href="https://www.cia.gov/news-information/press-releases-statements/press-release-archive-2007/terrorist-interrogation-program.html">https://www.cia.gov/news-information/press-releases-statements/press-release-archive-2007/terrorist-interrogation-program.html</a>	
18.	Various	Documents reflecting instances of DOJ's "[c]ase-by-case" review of interrogation techniques for "high-value" detainees, including suggestions of "some limitations."	Dana Priest, <i>CIA Puts Harsh Tactics on Hold, Memo on Methods Of Interrogation Had Wide Review</i> , Wash. Post, June 27, 2004, available at <a href="http://www.washingtonpost.com/wp-dyn/articles/A8534-2004Jun26.html">http://www.washingtonpost.com/wp-dyn/articles/A8534-2004Jun26.html</a>	
19.	Various	Notes and memoranda concerning then-US Attorney General John Ashcroft's participation in, and response to, meetings of the National Security Council's Principals Committee at which "enhanced interrogation techniques" to use on terrorism suspects were discussed and approved.	Jane Mayer, <i>The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals</i> 143 (2008)  Jan Crawford Greenberg, Howard L. Rosenberg & Ariane de Vogue, <i>Bush Aware of Advisers' Interrogation Talks</i> , ABC News, Apr. 11, 2008, available at <a href="http://abcnews.go.com/TheLaw/LawPolitics/story?id=4635175">http://abcnews.go.com/TheLaw/LawPolitics/story?id=4635175</a>	
20.	Various	Notes and memoranda concerning advice given at meetings about the legality of CIA interrogation techniques, including that given by an OLC attorney at a meeting at the National Security Council attended by FBI Director Robert S. Mueller's former Chief of	U.S. Dep't of Justice, Office of the Inspector General, <i>A Review of the FBI's Involvement in and Observations of Detainee Interrogations in Guantanamo Bay, Afghanistan, and Iraq</i> 73 (2008)	



		Staff, Daniel Levin.		
21.	September 26, 2002	Notification given to the FBI's New York Joint Terrorism Task Force on September 26, 2002 that Maher Arar was arriving at JFK Airport on American Airlines Flight 65 from Zurich.	U.S. Dep't of Homeland Security, Office of the Inspector General, <i>The Removal of a Canadian Citizen to Syria (Redacted)</i> 9 (2008)	
22.	September 2002	DOJ's evaluation of whether it had sufficient evidence to detain Canadian citizen Maher Arar on his arrival in the United States prior to his rendition to Syria.	DeNeen L. Brown & Dana Priest, <i>Deported Terror Suspect Details Torture in Syria; Canadian's Case Called Typical of CIA</i> , Wash. Post, Nov. 5, 2003.	
23.	September/October 2002	The I-148 classified addendum to the INS Form I-147 given to Maher Arar on Tuesday, October 1, 2002 that was prepared by INS, the FBI, and INS' Eastern Region office and preceding documentation including "versions of the draft...exchanged several times for review and comment."	U.S. Dep't of Homeland Security, Office of the Inspector General, <i>The Removal of a Canadian Citizen to Syria (Redacted)</i> 14-15 (2008)	
24.	September/October 2002	Communication by an attorney from the Office of the Deputy Attorney General to INS officials in which questions were "cleared" for the supervisory asylum officer from the New York Asylum Office to ask Maher Arar during his protection interview on October 5, 2002.	U.S. Dep't of Homeland Security, Office of the Inspector General, <i>The Removal of a Canadian Citizen to Syria (Redacted)</i> 14-25 (2008)	
25.	September 27, 2002 - October 6,	Notes, memorandum or other records pertaining to interviews of Maher Arar conducted by the New York FBI's Joint	U.S. Dep't of Homeland Security, Office of the Inspector General, <i>The Removal of a Canadian Citizen to Syria</i>	

	2002	Terrorism Task Force between September 27, 2002 and October 6, 2002, including requests to detain Arar for further questioning.	(Redacted) 6-7, 12 (2008)
26.	October 3, 2002	Notes or memorandum by three attorneys from the Office of the Deputy Attorney General concerning their meeting on Thursday October 3, 2002 with the INS Commissioner about the removal of Maher Arar.	U.S. Dep't of Homeland Security, Office of the Inspector General, <i>The Removal of a Canadian Citizen to Syria</i> (Redacted) 20 (2008)
27.	October 4, 2002	Notes or memorandum by two attorneys from the Office of the Deputy Attorney General concerning their meeting with the INS Commissioner and the INS General Counsel on October 4, 2002 discussing the decision to remove Maher Arar to Syria.	U.S. Dep't of Homeland Security, Office of the Inspector General, <i>The Removal of a Canadian Citizen to Syria</i> (Redacted) 20 (2008)
28.	October 7, 2002	Letter from the Acting Attorney General to INS Eastern Regional Director, dated October 7, 2002, concerning appropriate country of return for Maher Arar.	U.S. Dep't of Homeland Security, Office of the Inspector General, <i>The Removal of a Canadian Citizen to Syria</i> (Redacted) 20 (2008)
29.	2002/2003 onwards	DOJ memorandum determining that waterboarding of detainees by the CIA was legal "when it was used."	Jan Crawford Greenberg, Howard L. Rosenberg & Ariane de Vogue, <i>Bush Aware of Advisers' Interrogation Talks</i> , ABC News, Apr. 11, 2008, available at <a href="http://abcnews.go.com/TheLaw/LawPolitics/Story?id=4635175&amp;page=2">http://abcnews.go.com/TheLaw/LawPolitics/Story?id=4635175&amp;page=2</a>  <i>Statement to Employees by Director of the Central Intelligence Agency, General Michael V. Hayden on Lawful</i>

			<i>Interrogation</i> , Feb. 13, 2008, available at <a href="https://www.cia.gov/news-information/press-releases-statements/directors-statement-on-lawful-interrogation.html">https://www.cia.gov/news-information/press-releases-statements/directors-statement-on-lawful-interrogation.html</a>
30.	November or December 2002	Memorandum from FBI Special Agent Jim Clemente warning that rendition violated U.S. laws and correspondence related to Clemente's memo.	Jane Mayer, <i>The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals</i> 220 (2008)  Michael Isikoff, <i>Exclusive: Secret Memo – Send to be Tortured</i> , Newsweek, Aug. 8, 2005 available at <a href="http://www.newsweek.com/id/56347">http://www.newsweek.com/id/56347</a>
31.	May 7-9, 2003	Communications within DOJ, and between DOJ and CIA, in response to Judge Leonie Brinkema's initial request for recordings of al Qaeda captives potentially relevant to the Zacharias Moussaoui prosecution, seeking information about whether such recordings exist and confirming that no such recordings exist.	Dan Eggen & Joby Warrick, <i>CIA Destroyed Videos Showing Interrogations</i> , Wash. Post, Dec. 7, 2007, available at <a href="http://www.washingtonpost.com/wp-dyn/content/article/2007/12/06/AR2007120601828_pf.html">http://www.washingtonpost.com/wp-dyn/content/article/2007/12/06/AR2007120601828_pf.html</a>
32.	2003 onwards	DOJ memorandum reflecting that waterboarding is not among the techniques currently authorized for use in the CIA program.	<i>Statement to Employees by Director of the Central Intelligence Agency, General Michael V. Hayden on Lawful Interrogation</i> , Feb. 13, 2008, available at <a href="https://www.cia.gov/news-information/press-releases-statements/directors-statement-on-lawful-interrogation.html">https://www.cia.gov/news-information/press-releases-statements/directors-statement-on-lawful-interrogation.html</a>  <i>Remarks Prepared for Delivery by Attorney General Michael B. Mukasey at the Justice Department Oversight Hearing of the Senate Judiciary Committee</i> Washington, D.C., Jan. 30, 2008, available at

			<a href="http://justice.gov/ag/testimony/2008/ag-testimony-080130.html">http://justice.gov/ag/testimony/2008/ag-testimony-080130.html</a>
33.	Summer 2003 onward	OLC advice to "senior officials" concerning secret transfer of detainees out of Iraq for the purposes of interrogation.	<p>Jane Mayer, <i>The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals</i> 263 (2008)</p> <p>Jack Goldsmith, <i>The Terror Presidency: Law and Judgment Inside the Bush Administration</i> 32, 40, 172-173 (2007)</p> <p>James Risen, <i>State of War: The Secret History of the CIA and the Bush Administration</i> 145 (2006)</p> <p>James Risen, <i>State of War: The Secret History of the CIA and the Bush Administration</i> 36 (2006)</p>
34.	Unknown	CIA Inspector General's "criminal referral" to the DOJ regarding the CIA's involvement in the secret rendition of prisoners out of Iraq for detention and interrogation in third countries.	<p>Mark Mazzetti, <i>C.I.A. Was Urged to Keep Interrogation Videotapes</i>, N.Y. Times, Dec. 8, 2007, available at <a href="http://www.nytimes.com/2007/12/08/washington/08intel.htm">http://www.nytimes.com/2007/12/08/washington/08intel.htm</a> 1</p>
35.	2003	CIA General Counsel Muller's request from DOJ lawyers for opinions about potential destruction of videotaped interrogations.	<p>Mark Mazzetti, <i>C.I.A. Was Urged to Keep Interrogation Videotapes</i>, N.Y. Times, Dec. 8, 2007, available at <a href="http://www.nytimes.com/2007/12/08/washington/08intel.htm">http://www.nytimes.com/2007/12/08/washington/08intel.htm</a> 1</p>
36.	2003	DOJ opinions provided to CIA General Counsel Muller in response to request reportedly advising against the destruction of videotaped interrogations.	<p>Mark Mazzetti &amp; David Johnston, <i>Inquiry Begins Into Destruction of Tapes</i>, N.Y. Times, Dec. 9, 2007, available at <a href="http://www.nytimes.com/2007/12/09/washington/09zubayda">http://www.nytimes.com/2007/12/09/washington/09zubayda</a></p>

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37.	First half of 2004	Review by then-Assistant Attorney General, Jack Goldsmith, OLC, of the CIA Inspector General's 2004 "Special Review" of CIA activities, including the deaths of detainees in CIA custody, 7-8 instances of the mistaken abduction and secret detention of individuals, and the mistreatment of CIA secret detainees.	Jane Mayer, <i>The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals</i> 287-288 (2008)
38.	First half of 2004	Records related to DOJ review of CIA interrogation techniques during which the use of such techniques was suspended.	Philippe Sands, <i>Torture Team: Rumsfeld's Memo and the Betrayal of American Values</i> 234 (2008).  Dana Priest, <i>CIA Puts Harsh Tactics on Hold, Memo on Methods Of Interrogation Had Wide Review</i> , Wash. Post, June 27, 2004, available at <a href="http://www.washingtonpost.com/wp-dyn/articles/A8534-2004Jun26.html">http://www.washingtonpost.com/wp-dyn/articles/A8534-2004Jun26.html</a> .
39.	June 16, 2004 onwards	Proposed revision by then-Assistant Attorney General, DOJ OLC Jack Goldsmith's and/or DOJ of DOJ's August 2002 and March 2003 interrogation opinions provided to the DOD.	Jack Goldsmith, <i>The Terror Presidency: Law and Judgment Inside the Bush Administration</i> 162 (2007)
40.	Late 2004	Communications of FBI agents concerning the disappearance of Zain Afzal and Kashan Afzal on August 13, 2004.	Human Rights Watch, <i>Pakistan: Two U.S. Citizens 'Disappeared': FBI Involved in Case; Pakistan Must Produce Suspects in 'War on Terror'</i> , Mar. 9, 2005, available at <a href="http://www.hrw.org/english/docs/2005/03/09/pakist10278.htm">http://www.hrw.org/english/docs/2005/03/09/pakist10278.htm</a>



41.	Pre-December 30, 2004	<p>"[P]rior opinions addressing issues involving treatment of detainees" referenced in footnote 8 of <i>Memorandum from Daniel Levin, Acting Assistant Attorney Gen., Office of Legal Counsel, U.S. Dep't of Justice, to James B. Comey, Deputy Attorney Gen., U.S. Dep't of Justice, Dec. 30, 2004, available at</i> <a href="http://www.usdoj.gov/oic/18usc23402340a2.htm">http://www.usdoj.gov/oic/18usc23402340a2.htm</a></p>	<p>Memorandum from Daniel Levin, Acting Assistant Attorney Gen., Office of Legal Counsel, U.S. Dep't of Justice, to James B. Comey, Deputy Attorney Gen., U.S. Dep't of Justice, Dec. 30, 2004, <i>available at</i> <a href="http://www.usdoj.gov/oic/18usc23402340a2.htm">http://www.usdoj.gov/oic/18usc23402340a2.htm</a></p>
42.	Various	<p>Preparatory and other documents related to DOJ Office of Professional Responsibility investigation of DOJ legal memoranda concerning coercive interrogation techniques, such as waterboarding, prepared since 2002, "examining whether the legal advice in these memoranda was consistent with the professional standards that apply to Department of Justice attorneys."</p>	<p>Associated Press, <i>Justice Department Opens Internal Investigation into Approval of CIA Waterboarding</i>, Feb. 22, 2008, <i>available at</i> <a href="http://www.foxnews.com/story/0,2933,331990,00.html?sPage=fnc/specialsections/waronterror">http://www.foxnews.com/story/0,2933,331990,00.html?sPage=fnc/specialsections/waronterror</a></p> <p>Scott Shane, <i>Waterboarding Focus of Inquiry by Justice Dept.</i>, N.Y. Times, Feb. 23, 2008, <i>available at</i> <a href="http://www.nytimes.com/2008/02/23/washington/23justice.html">http://www.nytimes.com/2008/02/23/washington/23justice.html</a></p>
43.	Pre-2005/2005	<p>Communications sent and received by DOJ in its preparation and provision of unclassified summaries of statements by Majid Khan, Ammar al Baluchi (Ali Abdul Aziz Ali), and Khalid Sheik Mohammed.</p>	<p>United States v. Paracha, 2006 U.S. Dist. LEXIS 1, *11-12 (S.D.N.Y. 2006)</p>
44.	November 3-14, 2005	<p>Communications within DOJ, and between DOJ and CIA, in response to Judge Leonie Brinkema's second request for recordings of al Qaeda captives potentially relevant to the Zacharias Moussaoui prosecution, seeking</p>	<p>October 25, 2007, letter to Hon. Karen Williams and Hon. Leonie Brinkema from U.S. Attorney Chuck Rosenberg and Assistant United States Attorneys, David Novak and David Raskin, <i>U.S. v. Zacharias Moussaoui</i>, (docket 01-455-A).</p>



		information about whether such recordings exist and confirming that no such recordings exist	Dan Eggen & Joby Warrick, <i>CIA Destroyed Videos Showing Interrogations</i> , Wash. Post, Dec. 7, 2007, available at <a href="http://www.washingtonpost.com/wp-dyn/content/article/2007/12/06/AR2007120601828_pf.html">http://www.washingtonpost.com/wp-dyn/content/article/2007/12/06/AR2007120601828_pf.html</a>
45.	May 2005	Legal opinion signed by head of the OLC Steven G. Bradbury authorizing combined coercive interrogation techniques, amounting to “an expansive endorsement of the harshest interrogation techniques ever used by the Central Intelligence Agency,” including “head-slapping, simulated drowning and frigid temperatures.”	<i>ACLU v. DOD</i> , 04-cv-4151, Defendants’ Memorandum of Law in Opposition to Plaintiffs’ Motion for a Preliminary Injunction, 3 (S.D.N.Y. Nov. 5, 2007)  Scott Shane, <i>Waterboarding Focus of Inquiry by Justice Dept.</i> , N.Y. Times, Feb. 23, 2008, available at <a href="http://www.nytimes.com/2008/02/23/washington/23justice.html">http://www.nytimes.com/2008/02/23/washington/23justice.html</a>  Scott Shane, David Johnston, & James Risen, <i>Secret U.S. Endorsement of Severe Interrogations</i> , N.Y. Times, Oct. 4, 2007, available at <a href="http://www.nytimes.com/2007/10/04/washington/04interrogate.html">http://www.nytimes.com/2007/10/04/washington/04interrogate.html</a>
46.	May 2005	Legal opinion signed by head of the OLC Steven G. Bradbury stating that interrogation methods used by the CIA do not violate the prohibition on “cruel, inhuman and degrading” treatment.	<i>ACLU v. DOD</i> , 04-cv-4151, Defendants’ Memorandum of Law in Opposition to Plaintiffs’ Motion for a Preliminary Injunction, 3 (S.D.N.Y. Nov. 5, 2007)  Scott Shane, David Johnston, & James Risen, <i>Secret U.S. Endorsement of Severe Interrogations</i> , N.Y. Times, Oct. 4, 2007, available at <a href="http://www.nytimes.com/2007/10/04/washington/04interrogate.html">http://www.nytimes.com/2007/10/04/washington/04interrogate.html</a>
47.	May 2005	Third OLC legal memorandum to CIA	<i>ACLU v. DOD</i> , 04-cv-4151, Defendants’ Memorandum of

		described in New York Times article, and referenced in the government's opposition to the plaintiffs' motion for summary judgment in <i>ACLU v. DOD</i>	Law in Opposition to Plaintiffs' Motion for a Preliminary Injunction, 3 (S.D.N.Y. Nov. 5, 2007)
48.	2006-2008	"Several more recent memorandums" confirming the legal conclusions contained previously reached regarding coercive interrogation techniques and their non-violation of the prohibition on "cruel, inhuman and degrading treatment." Review and approval of President Bush July 2006 executive order by head of the OLC Steven G. Bradbury and the OLC.	Scott Shane, David Johnston, & James Risen, <i>Secret U.S. Endorsement of Severe Interrogations</i> , N.Y. Times, Oct. 4, 2007, available at <a href="http://www.nytimes.com/2007/10/04/washington/04interroga.html">http://www.nytimes.com/2007/10/04/washington/04interroga.html</a>
49.	2006		Scott Shane, David Johnston, & James Risen, <i>Secret U.S. Endorsement of Severe Interrogations</i> , N.Y. Times, Oct. 4, 2007, available at <a href="http://www.nytimes.com/2007/10/04/washington/04interroga.html">http://www.nytimes.com/2007/10/04/washington/04interroga.html</a>
50.	Pre-March 28, 2006	Communications sent and received by DOJ in its preparation and provision of Substitution for the Testimony of Khalid Sheikh Mohammed, Defendant's Exhibit 941; Substitution for the Testimony of Walid Muhammad Salih Bin Attash ("Khallad"), Defendant's Exhibit 945; Substitution for the Testimony of Mustafa Ahmed al-Hawsawi, Defendant's Exhibit 943; Substitution for the Testimony of Riduan Isamuddin ("Hambali"), Defendant's Exhibit 946, in <i>United States v. Moussaoui</i> , (E.D. VA. 2003), Cr. No. 01-455-A, including "...[n]umerous	Testimony of Khalid Sheikh Mohammed, Defendant's Exhibit 941; Substitution for the Testimony of Mustafa Ahmed al-Hawsawi, Defendant's Exhibit 943; Substitution for the Testimony of Walid Muhammad Salih Bin Attash ("Khallad"), Defendant's Exhibit 945; Substitution for the Testimony of Riduan Isamuddin ("Hambali"), Defendant's Exhibit 946, in <i>United States v. Moussaoui</i> , (E.D. VA. 2003), Cr. No. 01-455-A  Government's Position Regarding the Court-Ordered Deposition, p. 1, <i>U.S. v. Moussaoui</i> (E.D. Va. July 14, 2003) (No. 01-455-A), available at <a href="http://news.findlaw.com/hdocs/docs/moussaoui/usmouss714">http://news.findlaw.com/hdocs/docs/moussaoui/usmouss714</a>

		written summaries of...oral statements made in response to extensive questioning” provided to prosecution and defense attorneys as the basis for the testimonies and basis for the conclusions concerning the circumstances under which such statements were provided.	03pnodep.pdf.
51.	June 2006- August 2007	Memoranda analyzing the impact of the decision of the U.S. Supreme Court in <i>Hamdan v. Rumsfeld</i> on June 29, 2006 on the legality of the CIA’s rendition, secret detention and interrogation program and on previous legal conclusions of the DOJ that “none of the provisions of Geneva apply to our conflict with al Qaeda in Afghanistan or elsewhere throughout the world” and that “common Article 3 of Geneva does not apply to either al Qaeda or Taliban detainees.”	President George W. Bush, <i>Memorandum: Humane Treatment of al Qaeda and Taliban Detainees</i> (2002), reprinted in <i>The Torture Papers: The Road to Abu Ghraib</i> (2005)  Mark Mazzetti & Kate Zernike, <i>White House Says Terror Detainees Hold Basic Rights</i> , N.Y. Times, July 12, 2006, available at <a href="http://www.nytimes.com/2006/07/12/washington/12gitmo.html">http://www.nytimes.com/2006/07/12/washington/12gitmo.html</a>
52.	Late 2006 onwards	Data obtained and prepared by FBI “clean teams” in relation to secret detainees held at Guantanamo Bay, including interviews with detainees, information on which the Pentagon relied to bring charges against detainees at Guantanamo Bay, and “consult[ations] with behavioral scientists before designing strategies to elicit the information they wanted” from the detainees.	Scott Shane and David Johnston, <i>U.S. Acts to Avert Tactic Expected in Qaeda Trial</i> , N.Y. Times, Feb 13, 2008, available at <a href="http://www.nytimes.com/2008/02/13/us/13gitmo.html">http://www.nytimes.com/2008/02/13/us/13gitmo.html</a>  Josh White, Dan Eggen and Joby Warrick, <i>U.S. to Try 6 On Capital Charges Over 9/11 Attacks</i> , N.Y. Times, Feb. 12, 2008, available at <a href="http://www.washingtonpost.com/wp-dyn/content/article/2008/02/11/AR2008021100572.html?sid=ST2008021101227">http://www.washingtonpost.com/wp-dyn/content/article/2008/02/11/AR2008021100572.html?sid=ST2008021101227</a>
53.	September -	Communications between the CIA and DOJ	October 25, 2007, letter to Hon. Karen Williams and Hon.

	October 25, 2007	advising, <i>inter alia</i> , U.S. Attorneys Chuck Rosenberg, David Novak and David Raskin that there are videotapes of interrogations of al Qaeda detainees that were not previously disclosed in the Zacharias Moussaoui trial despite two prior requests from Judge Leonie Brinkema.	<p>Leonie Brinkema from U.S. Attorney Chuck Rosenberg and Assistant United States Attorneys, David Novak and David Raskin, <i>U.S. v. Zacharias Moussaoui</i>, (docket 01-455-A)</p> <p>Jerry Markon, "Government Secrecy May Lead to New Trial in Va. Terrorism Case," Washington Post, November 21, 2007, available at <a href="http://www.washingtonpost.com/wp-dyn/content/article/2007/11/20/AR2007112001913.html">http://www.washingtonpost.com/wp-dyn/content/article/2007/11/20/AR2007112001913.html</a>.</p>
54.	December 2007 - 2008	Documents related to DOJ's investigation into the CIA's destruction of videotapes of CIA secret detainee interrogations, including investigative notes.	<p>U.S. Dep't of Justice, <i>Statement by Attorney General Michael B. Mukasey Regarding the Opening of an Investigation Into the Destruction of Videotapes by CIA Personnel</i>, Jan. 2, 2008</p> <p>Scott Shane, <i>Waterboarding Focus of Inquiry by Justice Dept.</i>, N.Y. Times, Feb. 23, 2008, available at <a href="http://www.nytimes.com/2008/02/23/washington/23justice.html">http://www.nytimes.com/2008/02/23/washington/23justice.html</a></p> <p>Scott Shane &amp; Mark Mazzetti, <i>Tapes by C.I.A. Lived and Died To Save Image</i>, N.Y. Times, Dec. 30, 2007, available at <a href="http://www.nytimes.com/2007/12/30/washington/30intel.html">http://www.nytimes.com/2007/12/30/washington/30intel.html</a></p> <p>Josh Meyer, <i>Justice, CIA Watchdog Launce Inquiry</i>, L.A. Times, Dec. 9, 2007, available at <a href="http://www.latimes.com/news/nationworld/nation/la-na-interrogate9dec09,1,7646278.story?coll=la-headlines-nation">http://www.latimes.com/news/nationworld/nation/la-na-interrogate9dec09,1,7646278.story?coll=la-headlines-nation</a>.</p>

55.	Various	Final reports and other documents related to DOJ investigations into abusive treatment of “ghost” detainees, including cases involving deaths in custody, such as the case of Manadel al-Jamadi.	Jane Mayer, <i>A Deadly Interrogation: Can the CIA legally kill a prisoner?</i> , New Yorker, Nov. 14, 2005, available at <a href="http://www.newyorker.com/archive/2005/11/14/051114fa_fa_ct">http://www.newyorker.com/archive/2005/11/14/051114fa_fa_ct</a>
56.	Unknown	Records from FBI interrogations of individuals secretly detained in foreign facilities, including FBI’s detention and interrogation of Binyam Mohamed in Pakistan prior to his rendition, detention and interrogation in Morocco, Afghanistan and Guantanamo Bay.	First Amended Complaint, <i>Mohamed et al. v. Jeppesen Dataplan, Inc.</i> , 539 F. Supp. 2d 1128 (N.D. Cal. 2008) (No. 5:07-cv-02798), at 21, paras. 59-61, available at <a href="http://www.aclu.org/safefree/torture/31164lg120070801.html">http://www.aclu.org/safefree/torture/31164lg120070801.html</a>
57.	Various	Survey responses, interviews and documents provided to the DOJ OIG reflecting FBI agents’ involvement in and/or observations of unregistered “ghost detainees” in Afghanistan and Iraq and actual or threatened transfer to a third country.	Dep’t of Justice, Office of the Inspector General, <i>A Review of the FBI’s Involvement in and Observations of Detainee Interrogations in Guantanamo Bay, Afghanistan, and Iraq</i> 226-7, 256-258 (2008)
58.	Unknown	DOJ’s “sign[ing] off” on “the procedure” of rendition.	<i>Transcript of “File on 4—Rendition,”</i> BBC, Feb. 8, 2005, at 6 available at <a href="http://news.bbc.co.uk/1/hi/shared/bsp/hi/pdfs/15_02_05_renditions.pdf">news.bbc.co.uk/1/hi/shared/bsp/hi/pdfs/15_02_05_renditions.pdf</a>